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Serial No: 10/543,187

REMARKS

The present invention is a method and system for gas stunning of poultry for slaughter arriving at a poultry slaughterhouse. A system for gas stunning of poultry for slaughter in accordance with the invention comprises: a substantially horizontal conveyor arranged for receiving and introducing poultry for slaughter to a gas-filled stunning chamber including a downwards running conveyor, the downwards running conveyor functioning for successively conveying the poultry downwards and into the stunning chamber, and an upwards running conveyor for successively conveying the poultry upwards and out of the stunning chamber, wherein the downwards running conveyor comprises a conveyor a downwards running course and a horizontal course, and one of another downwards running conveyor, or a helical conveyor which interacts with another horizontal conveyor, at least one of the downwards and horizontal running courses and the another horizontal conveyor comprising telescopic systems for providing adjustment of the active conveying route length of the poultry within the chamber.

The Examiner has required a Restriction Requirement between a method for stunning poultry and a system for stunning poultry. Applicants elect with traverse, Group II for examination on the merits which the Examiner has identified as claims 15-32. Additionally, Applicants elect with traverse species 2 for examination on the merits.

Newly submitted claim 33 claims a system for gas stunning of poultry for slaughter comprising a substantially horizontal conveyor arranged for receiving and

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introducing poultry for slaughter to a gas-filled stunning chamber including a downwards running conveyor, the downwards running conveyor functioning for successively conveying the poultry downwards and into the stunning chamber, and an upwards running conveyor for successively conveying the poultry upwards and out of the stunning chamber, wherein the downwards running conveyor comprises a downwards running course and a horizontal course, and one of another downwards running conveyor, or a helical conveyor which interacts with another horizontal conveyor, the downwards and horizontal running courses and the another horizontal conveyor comprising telescopic systems for providing adjustment of the active conveying route length of the poultry within the chamber. As such, claim 33 is drawn to the subject matter of species 2, which includes subject matter of claim 23. Claim 23 recited the downwards horizontal and upwards running courses comprise mutually interacting members which telescope to vary the actual length. Newly submitted claim 33 in part recites that "the downwards running conveyor comprises a downwards running course and a horizontal course," "an upward running conveyor" and the "downwards and horizontal running course and the another horizontal conveyor comprising telescopic systems for providing adjustment of the active conveying route length of the poultry within the chamber" which pertains to the subject matter of claim 23. Furthermore, claim 33 recites "or a helical conveyor which interacts with another horizontal conveyor which pertains to non-elected species 4. Moreover, claims 36-38 pertain to non-elected species 6 and claims 39-44 pertain to non-elected species 7.

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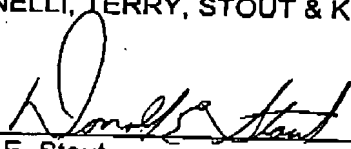
Independent claim 33 is patentably distinct from the subject matter of United States Patent 7,097,552 which does not teach or render obvious the telescopic systems for providing adjustment of active conveying root length of poultry within the chamber.

Early allowance of the claims as amended is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (900.45210X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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